

CITY OF LYNN

**Regular City Council Meeting, June 27, 2017
Council President Darren P. Cyr**

Eleven Councillors Present

Moment of Silence. Councilor LaPierre asked that the Family of Helen Durgin be remembered.

Pledge of Allegiance.

PUBLIC HEARINGS:

Proposed Ordinance Amending the Ordinance Establishing Regulations Relative to the Storage, Disposal and Maintenance of Residential and Commercial Refuse Containers and Property Within the City of Lynn.

SECTION 1:00 NON-OWNER OCCUPIED RESIDENTIAL SOLID WASTE COLLECTION FEE

The owner of any non-owner occupied residential unit receiving curbside collection shall be charged an annual fee per unit for the collection of solid waste. The final fee and conditions shall be subject to the determination of the Commissioner of Department of Public Works who shall establish a written standard therefor. The fee established by the Commissioner of the Department of Public Works for residential units shall include a two tiered fee schedule whereby Lynn residents owning a non-owner occupied residential unit shall pay a lower fee than those paid by a non-Lynn resident owning such a non-owner occupied residential unit.

SECTION 2:00 EFFECT OF PRIVATE TRASH DISPOSAL

Solid waste fees for non-owner occupied residential dwellings shall not be collected when the owner or occupant thereof presents a current contract for private rubbish collection for the premises. Such contract must be valid and remain in force for the entire term of the contract. Such contract must include: the term, address, number of units, and contract price. In the event that the contract is terminated, the property owner shall notify the city in writing within five business days. In the event that the contract is terminated, the property owner shall be responsible for the pro rata share of the trash fee for the remainder of the fiscal year.

SECTION 3:00 **PENALTY -- FAILURE TO PAY FEE**

Fees not collected shall be subject to all collection remedies as provided for real estate collection, including interest and demand fees. Any fee not paid 30 days from the date of the electronic transmission or mailing of each bill may be liened to the property in the next real estate bill. Such liens shall remain valid to the extent allowed by law.

SECTION 4:00 **VACANT NON-OWNER OCCUPIED RESIDENTIAL UNITS**

Any property owner who owns an unoccupied unit shall be eligible to receive a credit for each full six-month period or longer for which the unit is not occupied. Property owners must provide documentation to the Commissioner of the Department of the Public Works signed under the pains and penalties of perjury, demonstrating that the unit was vacant during the entire six-month billing period for which such credit is requested. Eligibility shall be determined by the Commissioner of the Department of Public Works using a water bill or, in cases where a unit's water meter is not separate from another unit, a letter or billing statement from the electric company. Individuals who make one or more false representations regarding the vacancy status of a residential dwelling unit shall be fined twice the amount of the single unit fee for each such false representation up to a maximum of three hundred (\$300.00) dollars.

SECTION 5:00 **EXEMPTIONS**

(a) Residents over the age of 60 who occupy a unit in which the resident has a life estate or in which the resident is a beneficiary of a trust holding, said unit shall be exempt from such fee.

(b) Owner occupied residential units as of July 1st in a given fiscal year will not be charged a fee.

SECTION 6:00 **COMMERCIAL AND NON-PROFIT SOLID WASTE COLLECTION FEE**

The owner of any commercial unit or a unit owned by a non-profit or not for profit (other than owner-occupied units) receiving curbside collection shall be charged an annual fee per unit for the collection of solid waste. The final fee and conditions shall be subject to the determination of the Commissioner of Department of Public Works who shall establish a written standard therefor. The fee established by the Commissioner of the Department of Public Works shall be set to ensure that the City of Lynn is reimbursed for the actual costs to collect solid waste from commercial establishments.

SECTION 7:00 **EFFECT OF PRIVATE TRASH DISPOSAL**

Solid waste fees for any commercial unit or a unit owned by a non-profit or not for profit (other than owner-occupied units) shall not be collected when the owner thereof presents a current contract for private rubbish collection for the premises. Such contract must be valid and remain in force for the entire term of the contract. Such contract must include: the term, address, number of units, and contract price. In the event that the contract is terminated, the property owner shall notify

the city in writing within five business days. In the event that the contract is terminated, the property owner shall be responsible for the pro rata share of the trash fee for the remainder of the fiscal year.

SECTION 8:00 **PENALTY -- FAILURE TO PAY FEE**

Fees not collected shall be subject to all collection remedies as provided for real estate collection, including interest and demand fees. Any fee not paid 30 days from the date of the electronic transmission or mailing of each bill may be liened to the property in the next real estate bill. Such liens shall remain valid to the extent allowed by law.

SECTION 9:00 **VACANT NON-OWNER OCCUPIED COMMERCIAL AND/OR NON/PROFIT/NOT FOR PROFIT UNITS**

Any commercial and/or nonprofit/not for profit property owner who owns an unoccupied unit shall be eligible to receive a credit for each full six-month period or longer for which the unit is not occupied. Property owners must provide documentation to the Commissioner of the Department of the Public Works signed under the pains and penalties of perjury, demonstrating that the unit was vacant during the entire six-month billing period for which such credit is requested. Eligibility shall be determined by the Commissioner of the Department of Public Works using a water bill or, in cases where a unit's water meter is not separate from another unit, a letter or billing statement from the electric company. Individuals who make one or more false representations regarding the vacancy status of a residential dwelling unit shall be fined twice the amount of the single unit fee for each such false representation up to a maximum of three hundred (\$300.00) dollars.

SECTION 10:00 **FEE SCHEDULE**

The annual fee will be collected in bi-annually statements commencing in September, 2017.

The following appeared in Favor:

Mayor Judith Flanagan Kennedy

Sheriff Kevin Copping

Chief James McDonald

Dr. Catherine Latham, Superintendent

Peter Caron, CFO

Janet Rowe, City Clerk

Theresa Hurley, Chief Librarian

Andrew Hall, DPW Commissioner

Michael Donovan, ISD Director

Clint Muche, ISD

18 Show of Hands

William Sharpe, Lynn Police Association

Loreen Rosa, President, Local 193

Michael O'Connor, President, IAFF, Local 739

Karen Martin & Karen Richard, Local 3147

Rich Germano, Local 1736

Rick Starbard, 221 Verona Street, Lynn
 Reggie Peralta, 289 Eastern Avenue, Lynn
 The following appeared in Opposition:
 Marzie Galazka, Owner of 17 Portland Street, Lynn
 Public Hearing Closed.

Motion made by Councilor Barton and seconded by Councilor Lozzi to grant.

Motion made by Councilor Walsh and seconded by Councilor Capano to add a friendly amendment to exclude owners with first degree of kinship (families living on the second, third, floors).

Motion carried by the following yea and nay vote:

8 YES 3 NO (Councilors Cahill, LaPierre, and Trahan voting NO).

Motion made by Councilor Cahill and seconded by Councilor Barton to make the vote of the friendly amendment by Councilor Walsh Unanimous.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Barton and seconded by Councilor Lozzi to Grant the Ordinance with the friendly amendment included.

Motion carried by the following yea and nay vote:

11 YES 0 NO

FY'2018 City of Lynn Budget

The following appeared in Favor:

Mayor Judith Flanagan Kennedy

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Cahill and seconded by Councilor Lozzi to reduce \$90,000.00 from the Life Insurance Line Item.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Cahill and seconded by Trahan to Grant the FY'2018 Budget of \$304,731,011.00.

Motion carried by the following yea and nay vote:

11 YES 0 NO

COMMITTEE REPORTS:

Report of the June 27, 2017 Committee on Public Property recommending the following to be accepted:

1. Discussion re: Request to Redeem property located at 80 Lowell Street / Lowell Street Court. - **Tabled**

2. Discussion re: Place out to bid all city-owned properties with houses on them. – **GRANTED.**

3. OTHER BUSINESS.

REPORT ACCEPTED.

Report of the June 27, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of FIVE THOUAND EIGHT HUNDRED THREE DOLLARS AND ZERO CENTS (\$5,803.00)

From the Account of 43905-3100 Care of Dogs-Exp \$5,803.00

To the Account of 43904-1000 Care of Dogs-PR \$5,803.00

To fully fund account through the end of FY, shortfall due to payout via a resignation

.Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of FIVE THOUAND EIGHT HUNDRED THREE DOLLARS AND ZERO CENTS (\$5,803.00)

From the Account of 43905-3100 Care of Dogs-Exp \$5,803.00

To the Account of 43904-1000 Care of Dogs-PR \$5,803.00

To fully fund account through the end of FY, shortfall due to payout via a resignation

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of ONE THOUAND TWO HUNDRED NINETY SIX DOLLARS AND TEN CENTS (\$1,296.10)

From the Account of 11125-7800 Council-Exp \$1,,296.10

To the Account of 11124-0900 Council-PR \$1,296.10

To fully fund account through the end of FY.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of ONE THOUAND TWO HUNDRED NINETY SIX DOLLARS AND TEN CENTS (\$1,296.10)

From the Account of 11125-7800 Council-Exp \$1,296.10

To the Account of 11124-0900 Council-PR \$1,296.10
To fully fund account through the end of FY.
THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE
FOREGOING CONSTITUTES AN EMERGENCY.
Emergency Preamble was adopted by the following yea and nay vote:
11 YES 0 NO
Emergency Order was then adopted by the following yea and nay vote:
11 YES 0 NO

Transfer the sum of ONE THOUAND ONE HUNDRED FIFTY SEVEN DOLLARS
AND SIXTY FIVE CENTS (1,157.65)

From the Account of 11125-4200 City Council-Exp \$1,157.65

To the Account of 98025-1112 Unpaid Bills of PY-Council \$1,157.65

To fund unexpected expense from FY16.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of ONE THOUAND ONE HUNDRED FIFTY SEVEN DOLLARS AND SIXTY FIVE CENTS (\$1,157.65)

From the Account of 11125-4200 City Council-Exp \$1,157.65

To the Account of 98025-1112 Unpaid Bills of PY-Council \$1,157.65

To fund unexpected expense from FY16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE
FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of ONE THOUAND TWO HUNDRED FIFTY DOLLARS AND ZERO
CENTS (\$1,250.00)

From the Account of 22405-3103 LFD-Exp \$1,250.00

To the Account of 98025-2240 Unpaid Bills of PY-LFD \$1,250.00

To fund unexpected medical bill from FY16.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of ONE

THOUAND TWO HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$1,250.00)

From the Account of 22405-3103 LFD-Exp \$1,250.00

To the Account of 98025-2240 Unpaid Bills of PY-LFD \$1,250.00

To fund unexpected medical bill from FY16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of THREE THOUSAND THREE HUNDRED EIGHTY FIVE DOLLARS AND TEN CENTS (\$3,385.10)

From the Account of 98035-7800 Reserve \$3,385.10

To the Account of 11125-4204 City Council-Exp \$3,385.10

To fund invoice not fully funded due to error when placing order.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of THREE THOUSAND THREE HUNDRED EIGHTY FIVE DOLLARS AND TEN CENTS (\$3,385.10)

From the Account of 98035-7800 Reserve \$3,385.10

To the Account of 11125-4204 City Council-Exp \$3,385.10

To fund invoice not fully funded due to error when placing order.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of ONE HUNDRED FIFTEEN DOLLARS AND ZERO CENTS (\$115.00)

From the Account of 98035-7800 Reserve \$115.00

To the Account of 98025-1112 City Council-Exp \$115.00

To fund PY invoice not fully funded from PY Purchase Order.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of ONE HUNDRED FIFTEEN DOLLARS AND ZERO CENTS (\$115.00)

From the Account of 98035-7800 Reserve \$115.00

To the Account of 98025-1112 City Council-Exp \$115.00

To fund PY invoice not fully funded from PY Purchase Order.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of SEVENTY DOLLARS AND EIGHTY FOUR CENTS (\$70.84)

From the Account of 9F163-9510 State Elections-Exp \$70.84

To the Account of 11605-3000 City Clerk-Exp \$70.84

To fund Fed Ex bill for mailing of election cards to be coded for September election.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order transferring the sum of SEVENTY DOLLARS AND EIGHTY FOUR CENTS (\$70.84)

From the Account of 9F163-9510 State Elections-Exp \$70.84

To the Account of 11605-3000 City Clerk-Exp \$70.84

To fund Fed Ex bill for mailing of election cards to be coded for September election.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the June 27, 2017 Committee of the Whole recommending the following to be accepted:

1. FY'2018 BUDGET HEARINGS WITH DEPARTMENT HEADS REPORT ACCEPTED.

Motion made by Councilor Colucci and seconded by Councilor Barton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK